

County Council Of Howard County, Maryland

2005 Legislative Session

Legislative Day No. 8

Resolution No. 80-2005

Introduced by: The Chairman at the request of the County Executive

A RESOLUTION approving a public interest use for a telecommunications antenna and associated ground equipment on land owned by G. Laurence Moore Family, LLLP; finding that the proposed use is in the public interest; approving an amendment to certain deeds of easement to release the land used for the telecommunications antenna and accessory ground equipment for a public purpose; and providing that the release is contingent on a certain payment to the County.

Introduced and read first time _____, 2005.

By order _____
Sheila M. Tolliver, Adminis trator

Read for a second time at a public hearing on _____, 2005.

By order _____
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council
on _____, 2005.

Certified By _____
Sheila M. Tolliver, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, the G. Laurence Moore Family, LLLP (the “Owner”) executed a Deed of
2 Easement dated March 12, 1986 and recorded among the Land Records of Howard County,
3 Maryland at Liber 1460, Folio 260, a Release and Agreement of a Portion of an Agricultural
4 Land Preservation Easement dated April 13, 1987 and recorded among the Land Records of
5 Howard County at Liber 1637, Folio 241, a Release of a Portion of an Agricultural Land
6 Preservation Easement dated March 28, 2001 and recorded among the Land Records of Howard
7 County at Liber 5556, Folio 0052, a State of Maryland Department of Agriculture Release and
8 Termination of Agricultural Land Preservation District dated May 1, 2001 and recorded among
9 the Land Records of Howard County at Liber 5556, Folio 0044, and an Amendment to Deed of
10 Agricultural Land Preservation Easement and Confirmatory Exchange of 5.587 Acre Parcel
11 dated April 29, 2005 and recorded among the Land Records of Howard County at Liber 9165,
12 Folio 076 (collectively, as amended, the “Easement”) extinguishing the development rights on
13 their property consisting of approximately 132.357 acres of land in Howard County at 1960 Old
14 Annapolis Road in Woodbine (the “Property”) as shown on the map attached as Exhibit A, to
15 Howard County, Maryland and restricting the use of the Property to agriculture and related uses
16 as set forth in the Agricultural Land Preservation Act of the Howard County Code; and
17

18 **WHEREAS**, Section 15.509(j)(1) of the pre-1993 revision of the Howard County Code
19 allows the County to release from such an easement up to one acre of land for “public interest
20 use” if the Howard County Agricultural Land Preservation Board recommends the release, the
21 County Council finds that the proposed use is in the public interest, and the property owner pays
22 the County for the release at the price per acre that the County paid to acquire the easement, with
23 interest; and
24

25 **WHEREAS**, the Owner has submitted a request to the Department of Planning and
26 Zoning (“DPZ”) for approval of a public interest use on the Property, specifically the installation
27 of a telecommunications antenna and accessory ground equipment on 3,000 square feet of the
28 Property as shown on the attached maps marked Exhibit B (the “Release Area”); and
29

1 **WHEREAS**, DPZ reviewed the Owner's request to release the Release Area from the
2 Easement and recommended approval of the request to the Agricultural Land Preservation
3 Board; and
4

5 **WHEREAS**, the Agricultural Land Preservation Board reviewed the findings of DPZ
6 and, after a public meeting on May 9, 2005, recommended that the Release Area be released
7 from the Easement, as long as the telecommunications antenna and accessory ground equipment
8 are required because the Release Area is required for a public interest use; and
9

10 **WHEREAS**, because the Easement was purchased by the County, the Owner is required
11 to repay the County the amount of approximately \$147.95 for the released acreage.
12

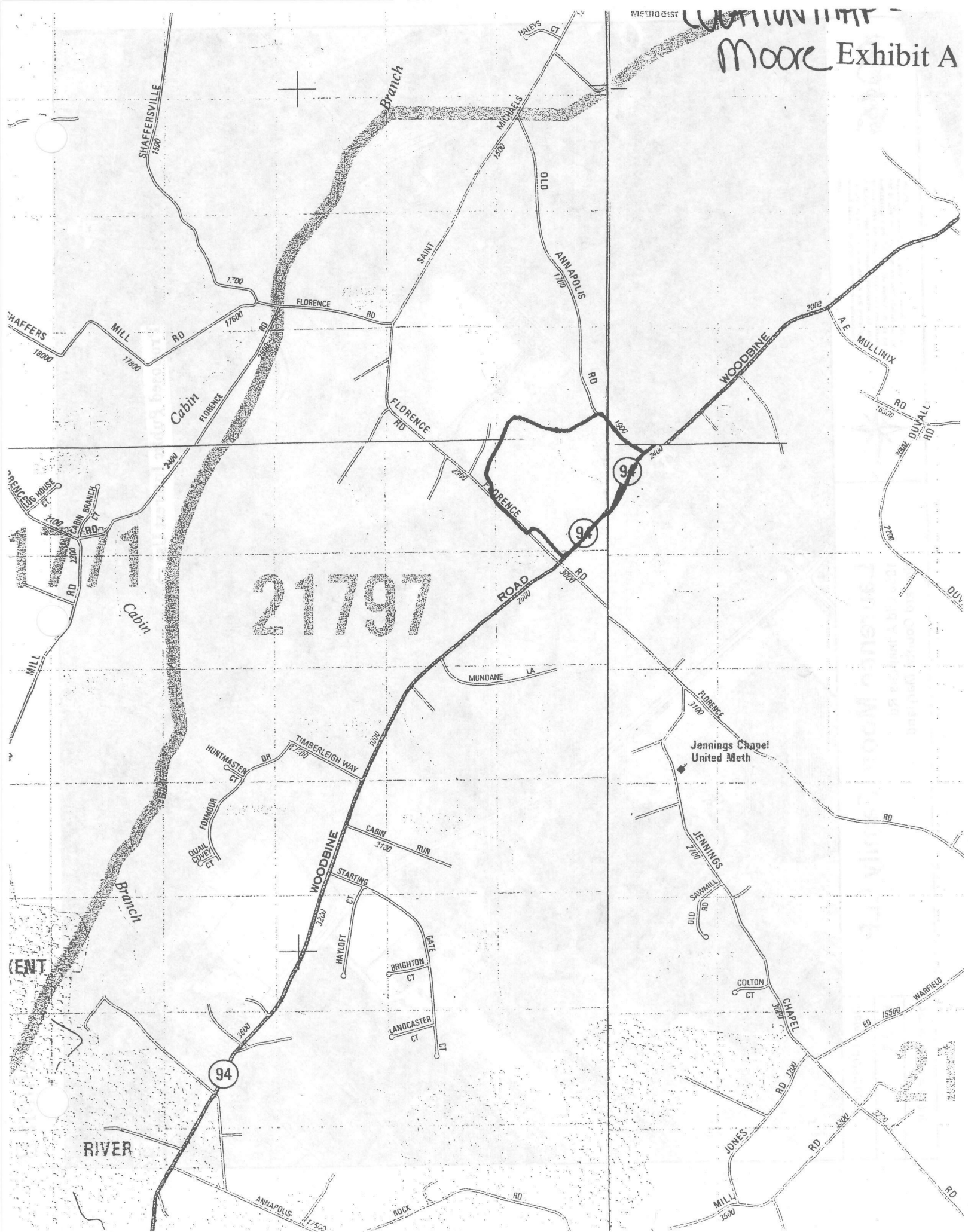
13 **NOW, THEREFORE, BE IT RESOLVED**, by the County Council of Howard County,
14 Maryland this _____ day of _____, 2005, that for the reasons cited by the
15 Department of Planning and Zoning and the Agricultural Land Preservation Board at its meeting
16 on May 9, 2005, the County Council finds that the proposed use of 3,000 square feet of the
17 Property for a telecommunications antenna and accessory ground equipment is in the public
18 interest and therefore approves the public interest use of 3,000 square feet of the Property, as
19 shown on Exhibit B, owned by G. Laurence Moore Family, LLLP, and the release of the 3,000
20 square feet, as shown in Exhibit B, from the Easement;
21

22 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
23 Maryland that it approves the request of G. Laurence Moore Family, LLLP to amend the Deed of
24 Easement dated March 12, 1986 and recorded among the Land Records of Howard County at
25 Liber 1460, Folio 260, the Release and Agreement of a Portion of an Agricultural Land
26 Preservation Easement dated April 13, 1987 and recorded among the Land Records of Howard
27 County at Liber 1637, Folio 241, the Release of a Portion of an Agricultural Land Preservation
28 Easement dated March 28, 2001 and recorded among the Land Records of Howard County at
29 Liber 5556, Folio 0052, the State of Maryland Department of Agriculture Release and
30 Termination of Agricultural Land Preservation District dated May 1, 2001 and recorded among
31 the Land Records of Howard County at Liber 5556, Folio 0044, and the Amendment to Deed of

1 Agricultural Land Preservation Easement and Confirmatory Exchange of 5.587 Acre Parcel
2 dated April 29, 2005 and recorded among the Land Records of Howard County at Liber 9165,
3 Folio 076 to release the 3,000 square feet of the Property, as shown in Exhibit B, for a
4 telecommunications antenna and accessory ground equipment, there being payment due to the
5 County in the amount of approximately \$147.95 because this was a purchased easement;
6

7 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
8 Maryland that if the telecommunications antenna and accessory ground equipment is no longer
9 needed for a public interest use then the current owner of the Property shall amend the Deed of
10 Easement dated March 12, 1986 and recorded among the Land Records of Howard County at
11 Liber 1460, Folio 260, the Release and Agreement of a Portion of an Agricultural Land
12 Preservation Easement dated April 13, 1987 and recorded among the Land Records of Howard
13 County at Liber 1637, Folio 241, the Release of a Portion of an Agricultural Land Preservation
14 Easement dated March 28, 2001 and recorded among the Land Records of Howard County at
15 Liber 5556, Folio 0052, the State of Maryland Department of Agriculture Release and
16 Termination of Agricultural Land Preservation District dated May 1, 2001 and recorded among
17 the Land Records of Howard County at Liber 5556, Folio 0044, and the Amendment to Deed of
18 Agricultural Land Preservation Easement and Confirmatory Exchange of 5.587 Acre Parcel
19 dated April 29, 2005 and recorded among the Land Records of Howard County at Liber 9165,
20 Folio 076 to include the 3,000 square feet of the Property, as shown in Exhibit B, as part of the
21 Property subject to the Easement.

Moore Exh



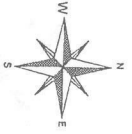


2955

Woodbine Rd

76

HOWARD COUNTY, MARYLAND, ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THIS MAP OR THE INFORMATION CONTAINED HEREIN OR DERIVED THEREFROM. THE BUYER AND/OR USER ASSUMES ALL RISKS AND LIABILITIES WHATSOEVER RESULTING FROM OR ARISING OUT OF THE USE OF THIS MAP. THERE ARE NO ORAL AGREEMENTS OR WARRANTIES RELATING TO THIS SALE AND/OR USE OF



Laurence Moore Family LLP
1960 Old Annapolis Rd.
Howard County, Maryland

Date : 04/28/2005

By : J.R.

Scale : 1 in. = 500 ft.